

Message Text

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PAGE 01 STATE 228111

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ORIGIN L-03

INFO OCT-01 ARA-16 ISO-00 SCA-01 JUSE-00 SEC-03 /024 R

DRAFTED BY L/T:CBEVANS:L/M/SCA:LAHUMMER:LS

APPROVED BY L/M/SCA:KEMALMBORG

L:MBFELDMAN(SUBS)

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O 192204Z NOV 73

FM SECSTATE WASHDC

TO AMEMBASSY NASSAU IMMEDIATE

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E.O. 11652: N/A

TAGS: PFOR, CPRS, BF

SUBJ: EXTRADITION - ROBERT L. VESCO

REF: NASSAU 1753

1. DAY THREE WRAPUP INDICATED DUPUCH RAISED QUESTION OF WHETHER U.S. SENATE HAD TO RATIFY EXTRADITION TREATY AFTER BAHAMIAN INDEPENDENCE. DEPT UNDERSTANDS FROM MURRAY STEIN THAT THIS POINT WAS NOT FOLLOWED UP BY MAGISTRATE, WHO HAS FOCUSED ON OBTAINING STATEMENT FROM ADDERLEY AS TO BILATERAL VALIDITY OF TREATY.

2. WHERE A TREATY THAT IS RECOGNIZED UNDER INTERNATIONAL LAW AS ONE TO WHICH A NEWLY INDEPENDENT STATE MAY BECOME A PARTY BY STATE SUCCESSION, THE CONTINUATION IN FORCE OF THAT TREATY BETWEEN THE UNITED STATES AND THE NEWLY INDEPENDENT STATE HAS INVARIABLY BEEN CONSIDERED BY THE GOVERNMENT OF THE UNITED STATES AS A MATTER FOR DETERMINATION BY THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT WITH THE AGREEMENT OF THE NEWLY INDEPENDENT STATE. THE ADVICE AND CONSENT OF THE SENATE TO THE CONTINUATION OF THE TREATY WITH RESPECT TO THE NEWLY INDEPENDENT STATE HAS BEEN CONSIDERED UNNECESSARY.

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PAGE 02 STATE 228111

3. DETERMINATIONS BY THE EXECUTIVE BRANCH WITH RESPECT TO THE CONTINUATION IN FORCE OF TREATIES HAVE CONSISTENLY BEEN UPHELD BY UNITED STATES COURTS. FOR EXAMPLE IN JIHARD V. FERRANDINA, 355 F. SUPP. 1155, THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT, NEW YORK HELD ON JANUARY 23, 1973, THAT THE EXTRADITION TREATY OF 1931 BETWEEN THE UNITED STATES AND THE UNITED KINGDOM QTE IS VALIDLY EXISTING BETWEEN INDIA AND THE UNITED STATES. UNQTE

4. THE SUPREME COURT, IN THE CASE OF DISCENTO V. UMBREIT, 208 U.S. 570, 581, SAID, WITH RESPECT TO THE COMMERCIAL TREATY OF MAY 1, 1828, BETWEEN THE UNITED STATES AND PRUSSIA: QTE THIS TREATY IS PRINTED AS ONE OF THE TREATIES IN FORCE IN THE COMPILATION OF 1904, P. 643, AND HAS UNDOUBTEDLY BEEN RECOGNIZED BY THE TWO GOVERNMENTS AS STILL IN FORCE SINCE THE FORMATION OF THE GERMAN EMPIRE. UNQTE

5. EMBASSY IS REQUESTED TO ADVISE DEPARTMENT IF ADDITIONAL AFFIDAVITS OR OTHER MATERIALS ARE NEEDED TO COVER THIS ISSUE. RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 19 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE228111
Document Source: CORE
Document Unique ID: 00
Drafter: CBEVANS:L/M/SCA:LAHUMMER:LS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731124/aaaaarsy.tel
Line Count: 83
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: NASSAU 1753
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 16 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16-Jan-2002 by kelleyw0>; APPROVED <06 MAR 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION - ROBERT L. VESCO
TAGS: PFOR, CPRS, BF
To: NASSAU
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005